



**Pacific Gas and
Electric Company™**

Humboldt Bay Power Plant
1000 King Salmon Avenue
Eureka, CA 95503

ENVR 19-05

January 23, 2019

Mr. Craig Shuman, D. Env.
Marine Regional Manager
Habitat Conservation Planning Branch
California Department of Fish and Wildlife
Attention: CESA Permitting Program
1416 Ninth Street, Suite 1260
Sacramento, CA 95814

RECEIVED
JAN 25 2019
HABITAT CONSERVATION
PLANNING BRANCH

RE: Section 2081(b) Take Permit for the Humboldt Bay Power Plant Canal Decommissioning
Project: Amendment No. 1

Dear Mr. Shuman:

On January 9, 2019 Pacific Gas and Electric Company (PG&E) received two originals of the Section 2081 (b) take permit for the Humboldt Bay Power Plant (HBPP) Canal Decommissioning Project: Amendment No. 1.

Enclosed please find a signed original of the permit.

Should you have any questions, please contact me at (805) 787-0675 or James Salmon at 707-444-0719.

Sincerely,

Kris A. Vardas
Supervisor, Nuclear Projects

Enclosure: Signed Original of the Section 2081(b) take permit

cc: James T. Salmon, PG&E

RECEIVED

JAN 25 2019

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
MARINE REGION
1933 CLIFF DRIVE, SUITE 9
SANTA BARBARA, CA 93109

HABITAT CONSERVATION
PLANNING BRANCH



AMENDMENT NO. 1
(A Minor Amendment)
California Endangered Species Act
Incidental Take Permit No. 2081-2014-029-07
Pacific Gas and Electric Company
Humboldt Bay Power Plant Canal Remediation Project in Humboldt County

INTRODUCTION

On July 8, 2014, the California Department of Fish and Wildlife (CDFW) issued Incidental Take Permit No. 2081-2014-029-07 (ITP) to Pacific Gas and Electric Company (Permittee), authorizing take of Coho Salmon (*Oncorhynchus kisutch*) and Longfin Smelt (*Spirinchus thaleichthys*) (collectively, the Covered Species) associated with and incidental to the Humboldt Bay Power Plant Canal Remediation Project in Humboldt County, California (Project). The Project as described in the ITP as originally issued by CDFW includes the removal of contaminated sediments and the permanent disconnection of the discharge canal from Humboldt Bay. The mitigation for the project included restoration of the intake canal to create and enhance various marine and saltmarsh habitats, including eelgrass. In issuing the ITP, CDFW found, among other things, that Permittee's compliance with the Conditions of Approval of the ITP would fully mitigate Project impacts of the taking on the Covered Species and that issuance of the ITP would not jeopardize the continued existence of the Covered Species.

The Project has completed most of the activities covered in the ITP, including creating the Mitigation Area as described in the ITP. However, the Native Eelgrass (*Zostera marina*) component of the mitigation was not successful. The Mitigation Area was required to have 0.38 acres of Native Eelgrass upon completion. The area was planted with Native Eelgrass in July 2017, but the transplants did not survive. In September 2018, 22 test plots were placed in the Mitigation Area. If this planting is successful, additional plantings will occur in the summer of 2019. This amendment allows additional time for the Native Eelgrass component of the mitigation requirements to be successfully completed.

In an application dated November 19, 2018 Pacific Gas and Electric requested they be allowed more time to complete the Native Eelgrass portion of the required mitigation and to change the name of the Principal Officer and Contact Person for the Project.

This Minor Amendment No. 1 (Amendment) makes the following changes to the existing ITP:

First, this Amendment adjusts the timing requirement for the mitigation. The deadline for Pacific Gas and Electric to meet the Native Eelgrass mitigation requirements is changed to **December 31, 2023** to allow time to meet the mitigation target for the species.

Second, this Amendment changes the names of the Principal Officer and Contact Person for the Project to **Kris A. Vardas**.

AMENDMENT

The ITP is amended as follows (amended language in ***bold italics***; deleted language in ~~strikethrough~~):

1. The first paragraph in ITP Condition 8.3, page 9 (Habitat Management and Maintenance) shall be amended to read:

The restored Intake Canal Restoration Area and the Alpha Road Mitigation Area (collectively the "Mitigation Area") shall be contiguous and contain upland, wetland, eelgrass, mudflat and deeper water habitats. Permittee shall restore/create, manage and maintain a total of 1.7 acres of saltwater wetland habitats. The Mitigation Area shall include 0.38 acres of native eelgrass (*Zostera marina*). Mitigation shall be completed by December 31, ~~2018~~ **2023**.

2. MMRP: The corresponding MMRP Measure 21, Page 5 shall be amended to read the same as above.
3. The Principal Officer and Contact Person, page 1, shall be amended to read:

Principal Officer: ~~Mark Smith, Engineering Manager~~ ***Kris A. Vardas, Supervisor Nuclear Projects***

Contact Person: ~~Mark Smith, (707) 444-0844~~ ***Kris A. Vardas, (805) 787-0675***

All terms and conditions of the ITP and MMRP that are not expressly amended herein remain in effect and must be implemented and adhered to by the Permittee.

FINDINGS

Issuance of this Amendment will not increase the amount of take of the Covered Species compared to the Project as originally approved, nor will this Amendment increase other Project impacts on the Covered Species (i.e., "impacts of taking" as used in Fish and Game Code Section 2081, subd. (b)(2)).

Discussion: This Amendment makes two specific changes to the ITP as originally issued. Given the failure of the initial Native Eelgrass planting, this amendment will allow more time to meet the mitigation requirements for this species and changes the name of the Principal Officer and Contact Person for the Project. The resulting impacts to the Covered Species, however, including the number of acres of habitat that will be lost, as a result of the Project, will remain the same.

CDFW has determined that completing the Eelgrass mitigation will not increase the amount of take or the severity of other impacts of the taking on the Covered Species. Given the circumstances of this Project, CDFW believes the changes to the Project or Conditions of the ITP described in this Amendment, including completing the Eelgrass mitigation, will not increase impacts to the Covered Species.

Issuance of this Amendment does not affect CDFW's previous determination that issuance of the ITP meets and is otherwise consistent with the permitting criteria set forth in Fish and Game Code section 2081, subdivisions (b) and (c).

Discussion: CDFW determined in July 2014 that the Project, as approved, met the standards for issuance of an ITP under CESA. This determination included findings that, among other things, the impacts of the taking would be minimized and fully mitigated and that the Project would not jeopardize the continued existence of the Covered Species. Those findings are unchanged with respect to this Amendment because the Project and ITP as amended: (1) will have no effect on the amount or severity of Project impacts on the Covered Species, as discussed above, and (2) does not substantively alter the measures that will be undertaken to minimize and mitigate previously authorized impacts on the Covered Species. The Permittee's continued adherence to and implementation of the avoidance and minimization measures set forth in the ITP's Conditions of Approval and MMRP will minimize and fully mitigate impacts of the taking on the Covered Species.

None of the factors that would trigger the need for subsequent or supplemental environmental analysis of the Project under Public Resources Code section 21166 or California Code of Regulations, title 14, sections 15162 and 15163, exists as a result of this Amendment.

Discussion: CDFW issued the ITP in July 2014 as a responsible agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.) After, among other things, considering the Mitigated Negative Declaration adopted by the Humboldt Bay Harbor, Recreation and Conservation District as the lead agency for the Project. As explained in the findings below, CDFW finds for purposes of CESA that this Amendment is a minor change to the original ITP. CDFW finds, for the same reasons under CEQA, that approval of the Amendment will not result in and does not have the potential to create any new significant or substantially more severe environmental effects than previously analyzed and disclosed by the Humboldt Bay Harbor, Recreation and Conservation District during its lead agency review of the Project. This is particularly true with respect to the impacts authorized by CDFW pursuant to the ITP as amended. As a result, CDFW finds that no additional subsequent or supplemental environmental review is required by CEQA as part of CDFW's approval of this Amendment.

CDFW finds that this Amendment is a Minor Amendment, as defined in California Code of Regulations, title 14, section 783.6, subdivision (c)(4).

Discussion: This Amendment modifies the timing of mitigation required by the original ITP. This Amendment makes two limited changes in the ITP, authorizing the Permittee more time to complete the Native Eelgrass mitigation and changes the Principal Officer and Contact Person for the Project. These changes to the ITP will not: (1) increase the level of take or other Project impacts on Covered Species previously analyzed and authorized by the ITP, (2) affect Permittee's substantive mitigation obligations under the ITP, (3) require further environmental review under CEQA, or (4) increase temporal impacts on the Covered Species. Therefore, this Amendment will not significantly modify the scope or nature of the permitted Project or activity, or the minimization, mitigation, or monitoring measures in the ITP. CDFW has determined that the change to the ITP constitutes a Minor Amendment as defined in California Code of Regulations, title 14, section 783.6, subdivision (c)(4).

The authorization provided by this Amendment is not valid until Permittee signs and dates the acknowledgement below, and returns one of the duplicate originals of this Amendment by registered first class mail to CDFW at:

Department of Fish and Wildlife
Habitat Conservation Planning Branch
Attention: CESA Permitting Program
Post Office Box 944209
Sacramento, CA 94244-2090

Minor Amendment No. 1
Incidental Take Permit 2081-2014-029-07
PACIFIC GAS AND ELECTRIC COMPANY

Humboldt Bay Power Plant Canal Remediation Project in Humboldt County

APPROVED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

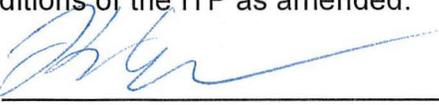
on January 9, 2019



Dr. Craig Shuman, Regional Manager
Marine Region

ACKNOWLEDGMENT

The undersigned: (1) warrants that he or she is acting as a duly authorized representative of the Permittee, (2) acknowledges receipt of the original ITP and this Amendment, and (3) agrees on behalf of the Permittee to comply with all terms and conditions of the ITP as amended.

By: 

Date: 1/22/19

Printed Name: KRIS VARDAS

Title: SUPERVISOR, NUCLEAR
PROJECTS